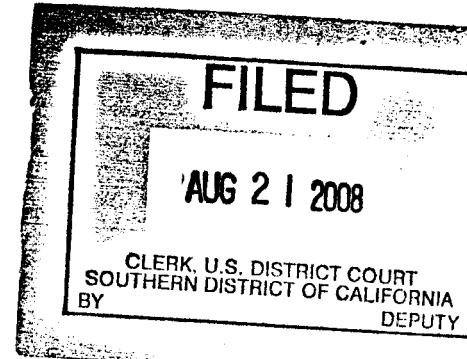


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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA, ) Magistrate Case No. 08MJ2278  
18 Plaintiff, )  
19 v. )  
20 CRISTIAN ALAN LOPEZ-GRACIANO (2), )  
21 Defendant. )  
22 \_\_\_\_\_ )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

**STIPULATION OF FACT AND JOINT  
MOTION FOR RELEASE OF  
MATERIAL WITNESS(ES) AND  
ORDER THEREON**

**(Pre-Indictment Fast-Track Program)**

17 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES  
18 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and  
19 Carla J. Bressler, Assistant United States Attorney, and defendant CRISTIAN ALAN LOPEZ-  
20 GRACIANO, by and through and with the advice and consent of Richard J. Boesen, counsel for  
21 defendant, that:

22 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing  
23 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,  
24 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead  
25 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count  
26 of Transportation of Aliens and Aiding and Abetting, in violation of 8 U.S.C. §1324(a)(1)(A)(ii)  
27 and (v)(II).

28 //

CJB:es:7/30/08

1           2. Defendant acknowledges receipt of a plea agreement in this case and agrees to  
2 provide the signed, original plea agreement to the Government not later than five business days  
3 before the disposition date set by the Court.

4           3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
5 before **August 27, 2008**.

6           4. The material witnesses, Blanca Lisa Sandoval-Deleon, Maria Refugio Rivera-Barron,  
7 Veronica Patricia Lopez-Hernandez, Arturo Eustacio Torres-Montanez, Eduardo Lopez-Hernandez  
8 and C.T.L (a juvenile), in this case:

9           a. Are aliens with no lawful right to enter or remain in the United States;  
10           b. Entered or attempted to enter the United States illegally on or about  
11 July 25, 2008;

12           c. Were found in a vehicle driven by defendant in or near San Clemente,  
13 California and that defendant knew or acted in reckless disregard of the fact that they were aliens  
14 with no lawful right to enter or remain in the United States;

15           d. Were paying or having others pay on their behalf \$500 - \$3,000 to others to  
16 be brought into the United States illegally and/or transported illegally to their destination therein;  
17 and,

18           e. May be released and remanded immediately to the Department of Homeland  
19 Security for return to their country of origin.

20           5. After the material witnesses are ordered released by the Court pursuant to this  
21 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
22 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,  
23 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

24           a. The stipulated facts set forth in paragraph 4 above shall be admitted as  
25 substantive evidence;

26           b. The United States may elicit hearsay testimony from arresting agents  
27 regarding any statements made by the material witness(es) provided in discovery, and such testimony

28 Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in

United States v. Cristian Alan Lopez-Graciano (2)

1 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest  
2 of (an) unavailable witness(es); and,

7        6. By signing this stipulation and joint motion, defendant certifies that defendant has  
8 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
9 further that defendant has discussed the terms of this stipulation and joint motion with defense  
10 counsel and fully understands its meaning and effect.

11       Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
12 immediate release and remand of the above-named material witness(es) to the Department of  
13 Homeland Security for return to their country of origin.

14 It is STIPULATED AND AGREED this date.

Respectfully submitted,

KAREN P. HEWITT  
United States Attorney

18 Dated: 8/21/08

**MARK J. DRESLER**  
Assistant United States Attorney

21 Dated: 68-04-08

**RICHARD J. BOESEN**  
Defense Counsel for Lopez-Graciano

24 Dated: ~~08-18-08~~

C.L.G  
CRISTIAN ALAN LOPEZ-GRACIANO  
Defendant

28 Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
United States v. Cristian Alan Lopez-Graciano (2)

## ORDER

Upon joint application and motion of the parties, and for good cause shown

**THE STIPULATION** is admitted into evidence, and,

**IT IS ORDERED** that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to their country of origin.

SO ORDERED.

Dated:

Jill Diller  
United States Magistrate Judge